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4 Attorney for Defendant, PAUL WHITMORE

5
6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 PAUL WHITMORE,

13 Defendant.

CASE NO: CRF-02-5301 OWW

14
15 **STIPULATION AND ORDER**
16 **TO CONTINUE HEARING ON**
17 **DEFENDANT'S MOTION TO**
18 **VACATE FEDERAL CONVICTION**

19 The parties hereto, by and through their respective attorneys, stipulate and
20 agree that the hearing scheduled for June 11, 2007 be continued until July 23,
21 2007 at 9:00 a.m. in the above-entitled court.

22 The parties agree to the following briefing schedule: Defendant Paul
23 Whitmore shall have until June 22, 2007 to file any pleading opposing the
24 government's response to Mr. Whitmore's motion to withdraw his jury trial waiver.
25 The government shall have until July 11, 2007 to submit any pleading opposing or
26 responding to Mr. Whitmore's submission.

27 It is agreed that the hearing on Mr. Whitmore's motion, as well as sentencing
28 in this matter, should the same become necessary, be continued to July 23, 2007.

This stipulation is necessitated by multiple obligations, and deadlines, facing
defense counsel for Mr. Whitmore. The additional time will allow counsel for Mr.
Whitmore to effectively represent him at the hearing, and should it become
necessary, at his sentencing.

1 The parties also agree that any delay resulting from this continuance shall
2 be excluded in the interest of justice pursuant to 18 U.S.C. §§3161(h)(1)(F),
3 3161(h)(8)(A) and 3161(h)(8)(B)(I).

4 DATED: May 29, 2007

/s/ David Gappa

DAVID GAPPA

Assistant United States Attorney

**This was agreed to by Mr. Gappa
via telephone, on May 25, 2007**

8 DATED: May 29, 2007

/s/ Roger K. Litman

ROGER K. LITMAN

Attorney for Defendant

PAUL WHITMORE

12 **ORDER**

13 The court having considered the stipulation of the parties and GOOD CAUSE
14 APPEARING, the court now orders that the sentencing hearing currently scheduled
15 for June 11, 2007, be continued to July 23, 2007 at 9:00 a.m.

17 IT IS SO ORDERED.

18 **Dated: May 31, 2007**

/s/ Oliver W. Wanger

UNITED STATES DISTRICT JUDGE